

REMARKS

At the time of the First Office Action dated July 5, 2007, claims 5-6 and 10 were pending and rejected in this application.

On page 2 of the First Office Action, the Examiner objected to the specification. In response, Applicants note that the Specification and the Abstract have been amended. On pages 2 and 3 of the First Office Action the Examiner objected to the drawings. In response, Applicants note that the specification has been amended to include references to both Figs. 3A and 3B. Applicants, therefore, respectfully solicit withdrawal of the objections to the specification and drawings.

**CLAIMS 5-6 AND 10 ARE REJECTED UNDER 35 U.S.C. § 102 AS BEING ANTICIPATED BY
MELTZER ET AL., U.S. PATENT NO. 6,125,391 (HEREINAFTER MELTZER)**

On pages 3-5 of the First Office Action, the Examiner asserted that Meltzer discloses the invention corresponding to that claimed. This rejection is respectfully traversed.

The factual determination of anticipation under 35 U.S.C. § 102 requires the identical disclosure, either explicitly or inherently, of each element of a claimed invention in a single reference.¹ Moreover, the anticipating prior art reference must describe the recited invention with sufficient clarity and detail to establish that the claimed limitations existed in the prior art

¹ In re Rijckaert, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); Perkin-Elmer Corp. v. Computervision Corp., 732 F.2d 888, 894, 221 USPQ 669, 673 (Fed. Cir. 1984).

and that such existence would be recognized by one having ordinary skill in the art.² As part of this analysis, the Examiner must (a) identify the elements of the claims, (b) determine the meaning of the elements in light of the specification and prosecution history, and (c) identify corresponding elements disclosed in the allegedly anticipating reference.³ This burden has not been met.

On page 3 of the First Office Action with regard to independent claims 5, the Examiner asserted the following:

Meltzer teaches a method of converting ERP data in a database [a database 706; col. 29, lines 25 - 53] managed by an ERP application [enterprise functions; col. 23, line 63 - col. 24, line 54] and accessed through an ERP API and ERP Message Agent API (MAAPI) [ESIS listener API; col. 27, lines 8 - 25] to strongly typed data in Java objects [converting XML instances to and from the corresponding JAVA objects; col. 32, lines 1 - 13]

Applicants have reviewed the Examiner's cited passage of column 32, lines 1-13. However, Applicants are unable to find any mention of converting ERP data to strongly typed data in Java objects corresponding to that claimed. Thus, this passage cited by the Examiner fails to identically disclose these limitations.

According to steps (a), (b), and (c) of independent claim 5: (a) a file containing definitions of Java objects is read; (b) the file is parsed to identify definitions of the objects and their attributes; and (c) the respective object is created. Regarding claimed steps (a), (b), and (c), the Examiner cited column 26, lines 18-40 of Meltzer, which for ease of reference is reproduced below:

² See In re Spada, 911 F.2d 705, 708, 15 USPQ 1655, 1657 (Fed. Cir. 1990); Diversitech Corp. v. Century Steps, Inc., 850 F.2d 675, 678, 7 USPQ2d 1315, 1317 (Fed. Cir. 1988).

³ Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984).

FIG. 4 illustrates a process of receiving and processing an incoming document for the system of FIG. 3. Thus, the process begins by receiving a document at the network interface (step 400). The parser identifies the document type (401) in response to the business interface definition. Using the business interface definition, which stores a DTD for the document in the XML format, the document is parsed (step 402). Next, the elements and attributes of the document are translated into the format of the host (step 403). In this example, the XML logic structures are translated into JAVA objects which carry the data of the XML element as well as methods associated with the data such as get and set functions. Next, the host objects are transferred to the host transaction processing front end (step 404). These objects are routed to processes in response to the events indicated by the parser and the translator. The processes which receive the elements of the document are executed and produce an output (step 405). The output is translated to the format of an output document as defined by the business interface definition (step 406). In this example, the translation proceeds from the form of a JAVA object to that of an XML document. Finally, the output document is transmitted to its destination through the network interface (step 407).

Upon reviewing this cited passage, Applicants respectfully disagree with the Examiner's analysis. Referring to Fig. 4 of Meltzer, in steps 400, 401, a document is received and read. In step 402, the document is parsed. In step 403, the elements and attributes of the document are translated into the format of the host. In steps 404, 405, a translated object is populated data, and in steps 406, the translated object, now populated with data, is translated back again into the format of "an output document as defined by the business interface definition," which then gets transmitted in step 407.

The differences between the claimed invention, as recited in claim 5, and the teachings of Meltzer are as follows. As claimed, the object, which is created, is based upon the definitions found in the XML file. On the contrary, the object created in Meltzer is based upon "the format of the host." Moreover, the file in Meltzer does not define the Java object being created. Instead, Meltzer teaches that the file is parsed and then translated. Thus, Meltzer fails to teach that the XML file contains an explicit definition of the Java object, as claimed.

Claimed step (d) recites "populating said objects with data from said ERP data." The objects being populated with data are the objects that are defined by the original document. However, the objects being populated with data are objects that are created after translating one structure into another structure (i.e., "the XML logic structures are translated into JAVA objects which carry the data of the XML element"). Thus, Meltzer fails to identically disclose the claimed invention, as recited in claim 5, within the meaning of 35 U.S.C. § 102.

Regarding claim 6, the Examiner asserted that the claimed "opening a connection through said ERP API to said ERP Message Agent API (MAAPI)" is identically disclosed by column 9, lines 45-55 of Meltzer. Applicants respectfully disagree. Neither the "market participant 18" nor the "market maker 17" correspond to the claimed ERP API or ERP Message Agent. Thus, the Examiner has failed to establish that Meltzer identically discloses this limitation.

Thus, for above-described reasons, the Examiner has failed to establish that Meltzer identically discloses the claimed invention, as recited in independent claims 5-6 and 10. Applicants, therefore, respectfully submit that the imposed rejection of claims 5-6 and 10 under 35 U.S.C. § 102 for anticipation based upon Meltzer is not factually viable and, hence, solicit withdrawal thereof.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing

Application No.: 10/719,461

remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

Although Applicants believe that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction. (emphasis added)

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: October 4, 2007

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